

1 STANLEY YOUNG (Bar. No. 121180)
2 CHRISTINE SAUNDERS HASKETT (Bar No. 188053)
3 MICHAEL M. MARKMAN (Bar No. 191388)
4 AARON S. JACOBS (Bar No. 214953)
5 NISHITA A. DOSHI (Bar No. 235129)
6 HELLER EHRMAN LLP
7 275 Middlefield Road
8 Menlo Park, CA 94025-3506
9 Telephone: (650) 324-7000
10 Facsimile: (650) 324-0638
11 nishi.doshi@hellerehrman.com

12 JOHNNY A. KUMAR (*Pro Hac Vice*)
13 ROBERT M. HANSEN (*Pro Hac Vice*)
14 HELLER EHRMAN LLP
15 1717 Rhode Island Avenue, N.W.
16 Washington, DC 20036
17 Telephone: (202) 912-2000
18 Facsimile: (202) 912-2020

19 Attorneys for Defendants
20 VISA U.S.A. INC. and
21 VISA INTERNATIONAL SERVICE ASSOCIATION

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 OAKLAND DIVISION

25 SAFECLICK, LLC, an Iowa
26 limited liability company,
27
28 Plaintiff,

v.

VISA U.S.A. INC., a Delaware corporation, and
VISA INTERNATIONAL SERVICE
ASSOCIATION, a Delaware Corporation,
Defendants.

Case No.: C03-05865 JF

**DEFENDANTS' ADMINISTRATIVE
REQUEST TO FILE DOCUMENTS
UNDER SEAL AND
ORDER GRANTING DEFENDANTS'
REQUEST PURSUANT TO CIVIL L.R.
79-5(B)**

Judge: Hon. Sandra B. Armstrong
Dept.: Courtroom 3, 3rd Floor
Date: Sept. 13, 2005
Time: 1:00 p.m.

1 Pursuant to Civil Local Rule 79-5(b), Defendants Visa International Service Association
2 and Visa U.S.A. Inc. (collectively "Visa") hereby request to file certain documents under seal:

- 3 • Pages 6, 7, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23 and 24 of Defendants Visa International
4 Service Association and Visa U.S.A. Inc.'s Notice of Motion and Motion for Summary
5 Judgment of Non-Infringement; Memorandum of Points and Authorities in Support Thereof
6 ("Visa's Brief.");
7
- 8 • Exhibit 5 to the Declaration of Michael M. Markman in Support of Defendants Visa
9 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
10 Non-Infringement ("Markman Decl.");
11
- 12 • Exhibit 8 to the Declaration of Michael M. Markman in Support of Defendants Visa
13 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
14 Non-Infringement;
- 15 • Paragraphs 10, 12, 23, 24, 35, 37, 38, 57, 58, 60, 62, 63, 64, 66, 73, 74, 75, 76, 77, 78, 80,
16 81, 82, 83 to the Declaration of Michael I. Shamos in Support of Defendants Visa
17 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
18 Non-Infringement ("Shamos Decl.");
19
- 20 • Exhibit 4 to the Declaration of Michael I. Shamos in Support of Defendants Visa
21 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
22 Non-Infringement;
- 23 • Pages 2-10 to the Declaration of Kevin D. Weller in Support of Defendants Visa
24 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
25 Non-Infringement ("Weller Decl.");
26
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- 1 • Exhibit 1 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
- 2 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
- 3 Infringement;
- 4 • Exhibit 2 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
- 5 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
- 6 Infringement;
- 7 • Exhibit 3 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
- 8 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
- 9 Infringement;
- 10 • Exhibit 5 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
- 11 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
- 12 Infringement.
- 13
- 14

15 Visa's Brief cites confidential, technical information and deposition transcript excerpts from
16 the Declarations of Messrs. Markman, Shamos and Weller.

17 Markman Decl., Exhibit 5 contains confidential excerpts from the Carl S. Wagener
18 Deposition, co-inventor of U.S. Patent No. 5,793,028 and the patent-in-suit ,of April 20, 2005.
19 Plaintiff Safeclick LLC ("Safeclick") designated the entire transcript confidential on May 3, 2005.

20 Markman Decl., Exhibit 8 contains confidential, technical information from the Kevin D.
21 Weller Deposition, a Visa U.S.A. Senior Vice President, of May 9,2005. Visa's counsel designated
22 this deposition as Confidential at his deposition.

23 The Shamos Declaration contains confidential, technical Visa information.

24 Shamos Decl., Exhibit 4 is a CD-ROM containing confidential, personal credit card and
25 identification information of Robert M. Hansen, counsel for Visa. Dr. Shamos used Mr. Hansen's
26 credit card and personal home information in a experiment on simultaneous purchases on the
27 Internet at Verified by Visa merchant web sites.
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1 The Weller Declaration contains confidential, attorneys' eyes only technical Visa
2 information.

3 Weller Decl., Exhibits 1, 2, 3 and 5 contain confidential, technical information regarding
4 Visa's 3-D Secure protocol for its Verified by Visa computer program with its merchant banks.

5 These documents are properly filed under seal because Visa and Safeclick have designated
6 them as "Confidential Information," pursuant to Paragraphs 1, 5 and 6 of the Stipulated Protective
7 Order entered in this case by Magistrate Judge Joseph C. Spero on October 4, 2004.

8 Visa submitted public versions of Visa's Brief, Markman Decl., Exhibit 5; Markman Decl.,
9 Exhibit 8; the Shamos Declaration; Shamos Decl., Exhibit 4; the Weller Declaration; Weller Decl.,
10 Exhibits 1, 2, 3 and 5, as well as a confidential versions of the Visa Brief; Markman Decl., Exhibit
11 5; Markman Decl., Exhibit 8; the Shamos Declaration; Shamos Decl., Exhibit 4; the Weller
12 Declaration; Weller Decl., Exhibits 1, 2, 3 and 5 under seal.

13 Furthermore, the Court finds that the "public versions" of Visa's Brief; Markman Decl.,
14 Exhibit 5; Markman Decl., Exhibit 8; the Shamos Declaration; Shamos Decl., Exhibit 4; the Weller
15 Declaration; Weller Decl., Exhibits 1, 2, 3 and 5 properly exclude only that information which is
16 confidential and protected from disclosure by the Stipulated Protective Order. Accordingly, the
17 Court finds that good cause exists to file:

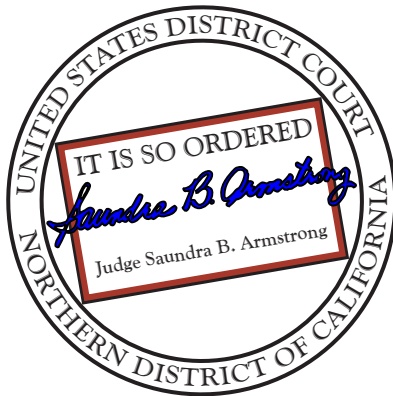
- 18 • Pages 6, 7, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 23 and 24 of Defendants Visa International
19 Service Association and Visa U.S.A. Inc.'s Notice of Motion and Motion for Summary
20 Judgment of Non-Infringement; Memorandum of Points and Authorities in Support Thereof
21 ("Visa's Brief.");
- 22 • Exhibit 5 to the Declaration of Michael M. Markman in Support of Defendants Visa
23 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
24 Non-Infringement;
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- 1 • Exhibit 8 to the Declaration of Michael M. Markman in Support of Defendants Visa
2 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
3 Non-Infringement;
- 4 • Paragraphs 10, 12, 23, 24, 35, 37, 38, 57, 58, 60, 62, 63, 64, 66, 73, 74, 75, 76, 77, 78, 80,
5 81, 82, 83 to the Declaration of Michael I. Shamos in Support of Defendants Visa
6 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
7 Non-Infringement;
- 8 • Exhibit 4 to the Declaration of Michael I. Shamos in Support of Defendants Visa
9 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
10 Non-Infringement;
- 11 • Pages 2-10 to the Declaration of Kevin D. Weller in Support of Defendants Visa
12 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of
13 Non-Infringement
- 14 • Exhibit 1 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
15 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
16 Infringement;
- 17 • Exhibit 2 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
18 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
19 Infringement;
- 20 • Exhibit 3 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
21 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
22 Infringement;
- 23 • Exhibit 3 to the Declaration of Kevin D. Weller in Support of Defendants Visa International
24 Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-
25 Infringement;
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- Exhibit 5 to the Declaration of Kevin D. Weller in Support of Defendants Visa International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-Infringement

IT IS HEREBY ORDERED that the above-listed documents shall be filed under seal.

Dated: July 26, 2005



/s/ Saundra Brown Armstrong

The Honorable Saundra B. Armstrong
United States District Judge
For the Northern District of California